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Amdt. dated April 13, 2005
Reply to Office Action of January 13, 2005

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REMARKS/ARGUMENTS

STATUS OF THE APPLICATION

Claims 1-77 were pending in the application and examined. Claims 1-4, 7-25, 27-30, 33-49, 52-59, 62-75 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi (U.S. Patent No. 6,504,960 B2). Claims 5, 6, 26, 31, 32, 50, 51, 60, 61, 76, and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi, in view of Cheng et al. (U.S. Patent No. 6,012,070 A). Informal objections are raised with respect to the claims and the specification.

Claims 3, 26, 29, and 58 have been amended. No new matter has been added by the amendments. Claims 1-77 remain pending in this application after entry of this amendment response.

THE SPECIFICATION

The specification has been amended to address the objections raised in the Office Action. Applicant submits that no new subject matter has been added by the amendments.

THE CLAIMS

Claim Objections

Claims 3 (29 and 58) and 26 have been amended in response to objections raised in the Office Action.

Rejections under 35 USC 102 and 103

Claim 1

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi. Applicant respectfully traverses the rejection.

As recited in claim 1, a "first digital image" is received and "one or more placement regions" are determined from the first digital image. Each of the one or more placement regions identifies a location for placing a digital image. Accordingly, the first digital

image acts as a template for placing other digital images. Claim 1 further recites that a digital image from a set of digital images ("the first set of digital images") is identified for each placement region of the first digital image and placed in the placement region to generate a "customized digital image". The customized digital image that is generated is thus composed using the first image and one or more images from the first set of digital images.

Applicant submits that at least the features of determining one or more placement regions from a first digital image, and generating a customized digital image using the first image and images from a first set of images is not anticipated by Takahashi or Cheng. Takahashi describes techniques that enable unified management of image data (i.e., images) taken with a digital camera and the corresponding print format separately set for the printing device. The print format (or print data section 3 depicted in Fig. 1 of Takahashi) is used for printing the image data. In order to specify a print format for an image, a user has to select an image with which the print format is to be associated and then specify the print format. As part of specifying the print format, the user has to choose a layout template from a plurality of layout templates (Takahashi: col. 4 lines 57-62; col. 5 lines 51-54; step 3 in Fig. 3). The user then has to specify the position of an image within the layout, a sheet number, the output size of the image, and the number of sheets to be printed (Takahashi: col. 4 lines 44-67; Fig. 3). The print data is then associated with the image data and stored on a memory medium.

While Takahashi teaches a technique for printing images (i.e., image data), Applicant submits that this is substantially different from the method of generating a "customized digital image", as recited in claim 1. One substantial difference is that the "layout template" that is used in Takahashi is not an image itself (i.e., the layout template described in Takahashi is not the same as image data described in Takahashi). Fig. 2 of Takahashi shows an example of a layout template but Takahashi does not indicate that the layout template is an image. In contrast, in claim 1, the "first digital image", which is used to determine the placement regions, is itself a digital image. Accordingly, in claim 1, the first digital image itself acts like a template for generating the customized digital image.

For example, a user may draw one or more placement regions on a piece of paper using a pencil and then capture an image of the paper, possibly using a digital camera. In this

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scenario, the captured image of the paper represents the "first image" recited in claim 1. This captured image is similar to the image data captured using a digital camera as described in Takahashi. The captured image of the paper document is then used to determine one or more placement regions and to compose a "customized digital image" using other digital images possibly also captured using the digital camera. Takahashi teaches capturing images using a digital camera, but the images are not used as templates. The layout templates of Takahashi are not images and thus Takahashi does not teach using an image itself to determine the layout for generating the customized digital image, as recited in claim 1.

By enabling an image itself to be used as a template, the present invention as recited in claim 1, offers a user unlimited flexibility to specify the format of the customized digital image. This is not possible in Takahashi wherein the user is limited to select a layout template from a fixed set of pre-provided layout templates.

Further, as recited in claim 1, a "customized digital image" is generated by placing one or more images from the first set of digital images in the one or more placement regions of the first digital image. The customized digital image is thus composed using the first digital image along with one or more images from the first set of digital images. Applicant submits that such a concept is not disclosed by Takahashi. While Takahashi teaches printing images according to a particular layout, there appears to be no teaching in Takahashi of creating a "customized digital image" using multiple images.

In light of the above, Applicant submits that claim 1 is not anticipated by Takahashi and is in a condition for allowance.

Further, the deficiencies of Takahashi are not cured by Cheng. Cheng describes techniques for creating a business brochure having high resolution color graphics using templates. These templates are created using commercially available off the shelf software such as Adobe PageMaker (Cheng: col. 5 lines 1-6). Accordingly, unlike the invention recited in claim 1, these templates are not images from which one or more placement regions are determined. Accordingly, Applicant submits that claim 1 is not anticipated by Cheng for at least this reason. Accordingly, even if Cheng and Takahashi were combined (if there were any motivation for the combination), the resultant combination would not teach or suggest claim 1.

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Claims 2-17, 24, 27-45, and 57-71

Applicant submits that independent claims 17, 24, 27, 45, 57, and 71 should be allowable for at least a similar rationale as discussed for allowing claim 1, and others. Applicant further submits that dependent claims 2-16, 28-44, and 58-70 which depend either directly or indirectly from claims 1, 27, and 57 respectively, should also be allowed for at least a similar rationale as discussed for allowing claims 1, 27, and 57, and others.

Furthermore, many of the dependent claims recite additional features which, contrary to what is stated in the Office Action, are also not taught or suggested by Takahashi or Cheng, thus making the claims patentable for additional reasons.

For example, claim 3 recites creating a link between a digital image in the customized digital image with a corresponding digital image in the second set of digital images. By creating such a link, a user can select an image from the customized digital image and in response the digital image from the second set of images corresponding to the selected image can be retrieved (retrieval feature is recited in claim 4). Applicant submits that the linking and retrieval features are not taught by Takahashi. The Office Action contends that Fig. 3 of Takahashi teaches this feature of claim 3. However, Applicant submits that Fig. 3 of Takahashi and its accompanying description only describes a method of specifying print data for an image that is to be used for printing the image. The print data includes specifying a layout template (which is not an image as described above) to be used. Takahashi however does not teach creation of any link between any two images which can be used to retrieve an underlying image by selecting an image from the customized digital image.

As another example, claim 10 recites determining "image identification information" <u>associated with a placement region from the first digital image</u> where the image identification information identifies an attribute of a digital image to be placed in the region. Such a concept is not taught or suggested by Takahashi. The Office Action contends that this feature recited in claim 10 is anticipated by Fig. 9 step 3 of Takahashi which states "Analyze image data based on print format" and that the "ver/hor information of the image data format" is akin to the "image identification information" recited in claim 10. Applicant submits that the

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"ver/hor information" is part of the "print data" depicted in Fig. 1 of Takahashi and has nothing to do with any placement region where an image is to be placed. Accordingly, the "ver/hor information" is not the same as the "image identification information" recited in claim 10. Further, unlike claim 10, Takahashi does not teach or suggest identifying an image to be placed in a placement region based upon the image identification information associated with the placement region. In Takahashi, the print data (which identifies how an image is to be printed) is associated with the image data, and not with any placement region. Applicant thus submits that this is an additional reason why claim 26 is not anticipated by Takahashi.

As another example, claim 12 recites identifying a "first digital image" to be placed in the first placement region based upon timestamps associated with images in the first set of digital images. Applicant submits that this is not taught by Takahashi. While Takahashi describes associating date information with image data (as shown reference 13 in Fig. 1 of Takahashi), Takahashi does not describe using the date information being as a criterion for deciding which image to be placed in a placement region. Applicant thus submits that this is an additional reason why claim 12 is not anticipated by Takahashi.

Similar to the above examples, various other dependent claims also recite features that are not anticipated or suggested by Takahashi or Cheng, considered individually or in combination.

Claims 18-23, 46-51, and 72-77

Applicant submits that independent claims 18, 46, and 72 should be allowable for at least a similar rationale as discussed for allowing claim 1, and others. Applicant further submits that dependent claims 19-23, 47-51, and 73-77 which depend either directly or indirectly from claims 18, 46, and 72 respectively, should also be allowed for at least a similar rationale as discussed for allowing the independent claims, and others. Furthermore, many of the dependent claims recite additional features which, contrary to what is stated in the Office Action, are also not taught or suggested by Takahashi or Cheng, thus making the claims patentable for additional reasons.

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Claims 25 and 26

Applicant submits that independent claim 25 should be allowable for at least a similar rationale as discussed for allowing claim 1, and others. Applicant further submits that dependent claim 26 which depends from claim 26 should also be allowed for at least a similar rationale as discussed for allowing claim 25, and others.

Furthermore, claim 26 recites a "button" of the camera that is selected when capturing a template image and this is not selected when capturing the one or more images using the digital camera. The "button" is thus selected only when a specific image captured by the digital camera is to be identified as a template image. Applicant submits that this feature recited in claim 26 is not anticipated by Takahashi.

Claims 52 and 53

Applicant submits that independent claim 52 should be allowable for at least a similar rationale as discussed for allowing claim 1, and others. Applicant further submits that dependent claim 53 which depends from claim 52 should also be allowed for at least a similar rationale as discussed for allowing claim 52, and others.

Furthermore, claim 53 recites a "button" of the digital camera which when selected indicates that an image received by the camera is a template image. The Office Action contends that this feature is anticipated by Takahashi col. 6 line 59 and Fig. 5. In this section, Takahashi describes that the digital camera operates in two modes, a photographing mode and a print data setting mode, either of which is rendered effective by a mode switching operation. Even assuming *arguendo* that a button exists on the camera described in Takahashi for switching modes (Office Action does not specifically identify such a button), that button would only switch modes--this is substantially different from the "button" recited in claim 53 which when selected indicates a particular image as a template image. For example, a user may select the button and capture an image to identify the captured image as a template image. Other images, that are not to be identified as template images, may be captured without selecting the button. Applicant submits that such a feature is not described by Takahashi. Applicant thus submits that this is an additional reason for allowing claim 53.

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Claims 54-56

Applicant submits that independent claim 54 should be allowable for at least a similar rationale as discussed for allowing claim 1, and others. Applicant further submits that dependent claims 55 and 56 which depends from claim 54 should also be allowed for at least a similar rationale as discussed for allowing claim 54, and others. The dependent claims are also allowable for additional reasons.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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